

# A D D R E S S

FROM

*H. Stanes  
Dec 1. 1889.*

SIR JOHN DALRYMPLE, BART.

ONE OF THE

BARONS OF EXCHEQUER IN SCOTLAND,

TO THE

*LANDHOLDERS OF ENGLAND,*

UPON THE

Interest which they have in the State

OF THE

DISTILLERY LAWS.

EDINBURGH:

PRINTED FOR E. BALFOUR,

M,DCC,LXXXVI.

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1609/2718.

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*Edinburgh, March 15. 1786.*

THERE can be only two apologies which can justify an individual in presuming to make an address to the public. One is, when advantage in situation gives him an advantage in acquiring knowledge to enable him to form an opinion ; and the other is, when the communication of that opinion may be of use to the public.

The Court of Exchequer in Scotland, at the same time that it is a court of justice, is also the board of treasury for Scotland, and therefore bound to understand and attend to the interests of the revenue, which  
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are always connected with, or rather dependent upon the state of trade and manufacture. When his Majesty honoured me with a chair in that Court, attention to the nature and state of the distillery-business, and to the laws relative to both, soon showed me that it was an object of far greater magnitude to the revenue, and to the landed interest of Britain, than people in general were aware of. But I saw, with concern, that the trader, and the officer of the revenue in Scotland at least, stood on terms of mutual hostility ; the one complaining continually of oppression, and the other of fraud.— Quarrels between the revenue and the trader, are those of man and wife.— Both lose by the contest : For, if government oppresses the trader, there will be little trade, and consequently little revenue ; and, on the other hand, if the smuggler succeeds, then the fair trader will be undersold, and the revenue injured. An anxiety to reconcile these hostile interests,



terests, and to make them better friends for the future, made me stumble upon the idea, that, if the tax on the distillery was laid on, and levied in proportion to the capacity of the still, instead of being collected by the quantity and quality of the liquor, as is done at present, it would be almost impossible for the trader to defraud, or for the officer to oppress ; because, if the measure of the vessel was once taken, it could not be altered without being immediately perceived ; whereas, the laying the tax on the liquor in the present mode, was the source of continual dispute, and often of uncertainty, and put it in the power of the officer to oppress the trader, either from design, or mistake, or temper, the trader to cheat in his account of quantity and quality, and both of them to collude together, to the ruin of the trade and the revenue of their country.

I gave the idea to the public in Scotland, but did not presume to do so in England ;  
because

because I thought that the English understood their own affairs best ; although I did believe, and time has confirmed me in the belief, that, if taxes were imposed upon many branches of manufacture which are worked in vessels, by the capacity of the vessel, and not by the quantity and quality of the commodity, one half of the frauds against the revenue would be prevented. By little and little, though by slow degrees, (as generally happens with regard to new opinions), public opinion followed me. The commissioners of excise in Scotland conveyed the idea to the treasury, and the committee on smuggling, suggested it to parliament. The Scots counties instructed their members in its favour. Scotland all to a man has declared for it now ; and if England understood, perhaps I should rather have said, attended to the subject, all England to a man, except six distillery houses in London, would declare for it too.

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If we were told in Britain that six great houses in Paris or Vienna, were enabled by the state of the laws to ingross the whole distillery of France, or of the Austrian dominions, we should not believe it. And yet six great houses in London do at this hour engross the whole distillery of England, a trifle excepted, (for it is said there are only two distilleries in England out of London) by which a few private persons enjoy a monopoly against the landed interest, the people, and the revenue of England ; for, by combining together, they can fix the price of grain as they please against the landed interest, the price of their spirits as they please against the people, and the amount of the distillery tax as they please against the revenue.

The singularity of this state of things in a branch of business so vast in itself, and so wide in its relations to other branches of business, such as the coal, the corn, the malting, the cooperage, the vessel, and utensil,

utensil, the fattening, slaughtering, salting, the carriage, the shipping trades, and almost every branch of rural employment, deserves to be accounted for. I imagine the following is the just account of the causes of the singularity.

Bills sent to the House of Commons upon subjects of finance generally originate, and ought to originate in that part of administration, to which government commits the care of national treasures; because official men have better opportunities for official knowledge than private persons. Public accounts are the general sources of information; but though these, when a deficiency appears in the common produce of a tax, may show that there is a defect in the law which regulates it, they cannot point out the remedy. The remedy must be got from private information and opinion. This in particular is the case with regard to alterations upon distillery laws; because the objects of them are chymical operations,

perations, and as long as the laws shall continue to collect the duties on these by quantity and quality, a mode of collection which in its own nature is exposed to uncertainty, mistake, dispute, and fraud, there must be more than common difficulty, delicacy, and danger, in attempting to improve a system which in itself is unimproveable. In this situation, ministers of finance, who are seldom great chemists, have naturally applied for information and counsel to the London distillers ; who paying great taxes to the state are entitled to atttention from the state; who being very rich, are supposed to be very wise ; who being at hand, have always ready accesf to ministers and secr-  
taries ; who having weight in parliament by their own and the votes of their friends, can on that account more easily carry laws through parliament, which themselves have suggested, on subjects which almost none but themselves understand ; and who will naturally promise to support that minister who supports them. But the London di-

stillers, like most other men, connected their private interests with their public advices : Consulted in this manner, they suggested such regulations as they knew could not fail to have the effect, though others did not know it, to give a monopoly of the trade to them against the nation. This was brought about by various ways : One was to swell up the legal size of stills, so that none but rich men could distil, and to vary their legal sizes from time to time, in order to fill other traders with fear and uncertainty, and discourage them with expence. Another was to make the tax high above all bounds, which frightened all but the rich ; and when many were by this means driven out of the trade, the tax was brought down again. Some years ago, it amounted to 4 sh. and 11 d. a gallon, which the London distillers well knew it was impossible for the trade to bear ; but at one dash, it was in November 1784 brought down, ~~near 60 per cent.~~ to 2 sh. 1 d. A third was to make the fate of the distillers,

by

by the intricacy of regulations, depend greatly on the discretionary power of the officers. A fourth contrivance was to oblige the distiller intending to export, to keep the distillery for exportation separate from his distillery for home consumption. This it was foreseen would require so large a capital as few men could spare to put into the trade. The last advantage, and perhaps not the least which they had, was, that as long as the tax on spirits was laid on by quantity and quality, it was necessary for the security of the revenue that they should not be allowed to be removed from place to place, without a permit, declaring them to have paid the duty : But it was easier for the London distiller, in the heart of a great and busy city, to remove his spirits from door to door, or from the distiller to the rectifier living perhaps at the distance of twenty yards, or ~~from~~<sup>to</sup> the work-house for home consumption ~~from~~<sup>to</sup> the work-house for exportation which pays no duty, perhaps adjoining to each other, and both belonging

belonging to the same person, without permit, than for people in the country to carry them from parish to parish, without permit.—These various circumstances put it in the power of a few London distillers, of vast capitals, to corrupt a few officers with greater ease than the rest of the nation could corrupt a great number; or if the officer was incorruptible, several, if not all of the above circumstances, gave advantages to the London distiller against all other distillers, in the arts of deceiving him.

The other class of men whom a minister, who can be no revenue officer himself, would naturally consult upon such an occasion, are the revenue officers. Such an officer in protecting the distillery laws is in a continual state of warfare, because the exercise of his duty is a continual state of watching. Like most other men of war, he knows no engine to obtain his end but force. Fines, and confiscations, are continually in his imagination, from the habit of reading

ing laws which inflict them ; but he becomes more peculiarly enamoured of them, because a large share of them goes into his own pocket. Such a man thinks more of punishing frauds than of preventing them, of laying traps to catch the offender, than of a regulation that would render the offence impossible. Under the pretence, or perhaps from real zeal to guard the revenue, he will press for levying the tax by the quantity and quality of the liquor, where the intricacy and multiplication of regulations give great and discretionary powers to himself. But he will never suggest the simple idea of a tax by a licence proportioned to the capacity of the still, which would reduce his own importance, make his office in one branch of his business almost useless, diminish the number of his brethren, and force the trader to be honest, even though he wished to be otherwise.

It has never been the fate of England to have had a minister who, like *Monsieur Neckar*,

*Neckar*, had been himself engaged in trade, and therefore had felt the mischiefs brought on it by discretionary powers in officers over traders. It has perhaps never been the fate of an English minister to have had the genius of that sublime and therefore generous financier, whose sentiments, in the account of his conduct to the Prince to whom he was faithful, and to the country to which he was faithful too, were, that the first duty of a great minister, in the department of finances, is to levy taxes by contrivances that are simple not intricate in regulation, which execute themselves, instead of depending on the will of others ; and the second, to be more proud of preventing than of punishing frauds against the revenue : That the multiplication of fines, and confiscations, in which the officer has an interest, enrich the officer, but impoverish the state ; because the penalties, either levied publicly by the officer, or privately settled by collusion with him, are new and additional taxes

taxes upon the subject, which go into his pocket, but not to the Treasury: That discretionary powers in officers spoil their own manners, alienate the affections of those who contribute to the revenue, against the interests of the revenue, debase the mind of the trader, who finds himself dependent in his profession, when all other professions are free, and make the Prince himself be considered by his subjects as no more than the tyrant of a thousand tyrants.

From those circumstances, in which, in this address, no complaint has been made of one minister, but of all ministers, and not so much of them as of their situation, the distillery laws of England, since the reign of Charles II. down to this day, present one of many proofs, that, though there is more sense, there is also more nonsense in the statute-book of England, upon the interests of trade and finance, than in almost any other law book in the world.

There

There is one, and but one way, to recover the false steps which have been made.— Return to simplicity, quit intricacy, follow the short road not the long, the straight not the crooked ; make one regulation, not one hundred ; levy the tax by the capacity of the still, not by the opinion or caprice of the officer.

Effects always follow causes : The pursuit of a contrary line of conduct has given a monopoly of the distillery, as I said before, to six great London houses against all England, and would have given them the same monopoly against all Scotland, had she not been supported by the cheapness of wages and feuel, and by the good sense of her people, which led them, instead of settling all the distillery-business in one city, to spread it all over the country, where the distiller, by fattening cattle, and laying the manure produced in the distillery upon his farm, combined the profits of manufacture and agriculture

culture together, to the benefit of himself and his country.

But the north and middle parts of England have, or may have the same advantages over London ; and although the southern parts of England have not fuel, and perhaps labour, so cheap as the northern and middle parts of England, yet they still have both of them cheaper than London.

The natural seats of the distillery in Britain are therefore the country, not the city ; and when it is cooped up in London, in place of being permitted to take its natural range, it is in an unnatural and forced state. When *Monsieur Colbert* was partly inviting, and partly forcing the inhabitants of France to quit the country, and to establish themselves in great towns, by which he ruined the agriculture of France ever since, one of his friends said to him ‘ Vous avez trouvès le voiture renversè de l'un cotè, et vous allez le renverser de l'autre.’—

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‘ You

' You found the carriage overturned to the one side, and you are going to overturn it to the other.' An unnatural state and seat of manufacture is always prejudicial to the community at large ; because it raises the price of it, and thereby lessens the extent of the market, and consequently lessens the revenue, which always rises when price is low, and the market great, and falls when price is high, and the market small.

It does not follow from the advantages which the country has over London for the distillery-business, that therefore the London distiller is to lose his business. On the contrary, the London distillers have several advantages on their side which secure the continuance of their business to them. Such as immense stocks, the long credits which their superiority in fortune enables them to give, long possession of the trade, character in it, superior knowledge in the arts of it, an immense market in London

don itself, and ready access to all foreign markets, by means of the Thames. Thus both parties, the city and the country, will be only rivals to each other in industry and ingenuity. Each to secure a market will sell low, and make his spirits good ; and the certain consequence must be, a proportional increase of consumption at home, and of exportation abroad, to the advantage of the landed man, the revenue, and the shipping of Britain. The London distiller will indeed be obliged to satisfy himself with a profit perhaps of *15 per cent.* like the rest of the subjects, instead of perhaps of *50.* No other harm can follow from levying the tax by the capacity of the still, which leaves no discretionary power to the officer, instead of the present mode of collection, which does.

Subjects of this sort are perhaps as well understood in Scotland as in any country in Europe, because there are many ingenious men in it, whose minds are inquisitive

sitive and active, their imaginations not distract ed by the pleasures of Paris, nor their passions engaged in the pursuits of the party-politics of London, falsely called ambition. Truth follows inquiry, and prevails : It came lately to be not the general, but the unanimous opinion of Scotland, that there was a radical error in the whole system of the distillery laws ; and that the only way to cure it, was to levy the tax all over Britain by the capacity of the still. At a general meeting of the landed interest of Scotland, composed of delegates from the counties, and of a large assembly of men of property, some weeks ago, the following resolutions passed unanimously :

131701

‘ Inner Parliament-house, Edinburgh,  
 ‘ Jan. 11. 1786—At a general meet-  
 ‘ ing of the Landed Interest of Scot-  
 ‘ land, George Buchan-Hepburn of  
 ‘ Smeaton, Esq; chosen Preses,

‘ The minutes of the former general  
 ‘ meeting, the report of the committee,  
 ‘ and

' and the grounds and reafons upon which  
 ' that report was founded, being all read,  
 ' and deliberately confidered by the meet-  
 ' ing, they unanimously approve of the re-  
 ' port, and appoint the thanks of the land-  
 ' ed interest to be given to the gentleman  
 ' who prepared the grounds and reasons  
 ' that have been now read to the meeting.

' Resolved, That an application shall be  
 ' made to Parliament for a new law for  
 ' imposing a duty, by way of annual li-  
 ' cense, upon each gallon of the still, accor-  
 ' ding to its contents, for the whole of the  
 ' united kingdom ; (excepting that part of  
 ' Scotland which is comprehended under  
 ' the late distillery act, 25th Geo. III. cap.  
 ' 32d), *upon the footing of the other pro-*  
*' positions stated in said report* ; and the  
 ' representatives for Scotland in both houses  
 ' of parliament are requested to give their  
 ' countenance and support to any bill that  
 ' may be brought into parliament for in-  
 ' troducing a law upon these terms : And  
 ' as

' as the tendency of this law is to increase  
 ' the agriculture and the population of  
 ' Great Britain, and to increase the con-  
 ' sumption of British grain by annihilating  
 ' the smuggling of foreign spirits, *that the*  
 ' *landed interest of England shall be in-*  
 ' *vited to join the landed interest of Scot-*  
 ' *land in promoting this law.*'

Some of the *other propositions* of the committee of the landed interest, in their report to the general meeting, which were thus referred to, and approved by the general meeting, were as follows.

Article 2d. ' That the revenue, in place  
 ' of being levied in the present mode,  
 ' should be changed to an annual licence,  
 ' to be paid by the distiller upon each gal-  
 ' lon of his singling and doubling stills, ac-  
 ' cording to their contents.'

Article 3d. ' That the duty to be so  
 ' paid should be 30 shillings upon each  
 ' gallon,

' gallon, both of the singling and of the  
' doubling stills.'

In article 4th, it is said, that, among other advantages, the following will result from the mode proposed, ' Agriculture and distillery will be united to their mutual advantage, whereby the waste lands will be cultivated, and the population of Great Britain increased, in an astonishing degree.

' The trade of distilling will be thrown open, and every part of the united kingdom will be put upon a fair and an equal footing in the common market of Great Britain.

Article 7th, ' That a provincial law, such as was proposed last year, for levying the revenue upon the distillery of Scotland, different from the mode of levying the revenue upon the distillery of England, would be productive of great inequality

' inequality betwixt the manufacturers in  
 ' the same nation, and, in all probability,  
 ' would create very dangerous consequences  
 ' to the state.'

Article 5th ' That the smallest licensed  
 ' still should be reduced from 400 to 30 gal-  
 ' lons, under this limitation, that no license  
 ' should be granted to any person for a still  
 ' of 100 gallons or under, unless the person  
 ' desiring to have the license should possess  
 ' a farm for which he pays L. 30 Sterling  
 ' of yearly rent; or, if the grounds shall  
 ' be his own property, that they shall be  
 ' truly and *bona fide* worth L. 30 Sterling  
 ' yearly, to be ascertained by trial before  
 ' the sheriff, or otherwise, as the wisdom  
 ' of parliament shall direct; and when the  
 ' person receiving such license shall cease  
 ' to possess lands to the value aforesaid, the  
 ' license shall *ipso facto* become void, unless  
 ' such license shall be transferred to the  
 ' succeeding possessor of the lands.'

As the principles on which this last resolution are founded may not occur at first sight to the landed interest of England, it is right to explain them. When distilleries are placed in great towns, the manure made at them is sometimes thrown away and not used at all : It is often not even made, from want of straw ; and at best it improves only a small space of land round the town. But when they are spread through the country, all the manure that can be made is made ; it is all used, and it improves every farm on which the distillery stands. Add to this, that the farmers grain or straw when carried to a distillery in a town at a distance, is loaded with the expence of carriage ; but when consumed in a distillery at home, or in its neighbourhood, it is not. It was personally known to some of the committee of the general meeting of the landed interest of Scotland, that a still of no more than 400 gallons will in a year produce dung sufficient to manure 40 English acres of

D

wheat

wheat, or 50 of barley. There were well vouched *data* before others, to show that, though 60 acres of arable land in East Lothian will not yield the farmer an annual profit of above L.160, yet that a distillery added to it, to feed 80 oxen, on a profit of L. 8 each, and 200 swine on a profit of 20 shillings each, would yield him a gain of above L. 800, independent of his profits as a distiller. The proportions vary between a great and a small still, only as greater and lesser differ from each other; or rather the proportion of advantage lies on the side of the small still; because, in a small still, every thing is saved, whereas in a great one, there is much waste. In the middle parts of America, almost every farmer has a small still by his kitchen-fire, as regularly as he has a cat or a dog. Many hundred stills go every year from Glasgow to Virginia and Maryland. In those countries, the farmer takes to himself the profit of distilling

distilling the produce of his own farm, instead of giving away that profit to a distiller at a distance, as is done in England. The London distillers sweep the dung of their distilleries into the common shores, or into the Thames : But the Americans and the Scots convert it into gold ; and the counties of England might do so too. The fifth resolution of the committee, which was approved by the general meeting, had therefore two views : One was, to combine the interests of the distillery with those of agriculture : And the other was, to increase the revenue ; because, in this world, a great number of smalls come to more than a small number of greats. In place of six vast distilleries in London, they might be very numerous in the counties of Britain, if the mode of collection was altered. The landlord would soon feel the difference in the rise of his rent-roll.

The resolutions above recited were communicated by the committee named by the general

general meeting, to the representatives for Scotland in both houses of Parliament. But instead of following them forth, a meeting of members of the house of Commons for Scotland, whose names I know not, drew up a memorial to Mr Pitt, asking no more than a temporary relief for Scotland, and desired to know when they might wait upon him on the subject of it. That memorial was not communicated to the committee of the landed interest of Scotland by the meeting of Scots members; but a copy of it was laid on the table of the committee, which was said to have been handed there from the committee of a general meeting of the farmers of Scotland, who have a stock-purse raised by contribution of the different parishes of Scotland, and employ an agent at London who had sent the copy to them. But the authenticity of it was doubted by the committee, for which I know no reason, except that the contents of it were probably deemed incredible; and therefore I was obliged to apply to some

some members of the committee of farmers, and from them got a copy of the memorial, which they averred to be a true one. That copy contains the following passage.

' That this is a subject which requires  
 ' the most serious deliberation of Parliament,  
 ' to make *such lasting arrangements*  
 ' as may be favourable for the subjects of  
 ' *all parts of the kingdom*, and beneficial to  
 ' the revenue.

' But *in the mean time*, and until *such permanent arrangements* can be made, the legislature will certainly see good ground for granting them *such immediate temporary relief* as will not only remove their present distress, but prevent the loss of that part of the revenue arising from the excise on spirits, which must be totally annihilated, if the consumption of the country is supplied with foreign smuggled spirits, and the home grown grain suffered to perish.'

The

The state of the busines stands therefore now at a treaty with a minister, instead of an application to Parliament ; and in that treaty an experiment, not a cure, a partial compromise, not a general regulation, or, as the memorial of the meeting of Scots members very properly expresses it, *a temporary relief*, instead of *a permanent arrangement*, are asked.

If this treaty shall end either in a temporary relief got for Scotland, or in a permanent one, giving the tax by the still to Scotland alone, but not to Britain ; England will lose the benefit of that mode of taxation ; and, in both cases, both England and Scotland will suffer. It is impossible, in the nature of things, to collect taxes in the same kingdom by different modes of collection, without the one side getting the advantage of the other. Either the London distillers will undersell the Scots, by the advantage which a discretionary

onary power in the officer, and consequently the opportunity of bribing him, gives to the London distiller ; or the Scots distiller will undersell the English one, by the security which a tax by the still confers on the Scots one. One side will certainly cry murder, perhaps both : Jealousy and quarrel between the two nations will be the consequence.

And therefore I, who, when appointed a member of the committee of the general meeting of the landed interest of Scotland to carry their resolutions into effect, was intrusted with an important and honourable branch of duty—to serve not Scotland alone, but Britain ; and, in terms of the resolutions of the general meeting, to invite ‘the landed interest of England to join the ‘landed interest of Scotland’ in this common cause—think and feel it my duty to let the landed interest of Scotland know why I humbly am of opinion, THAT

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THE LANDED INTEREST OF ENGLAND  
SHOULD OPPOSE THE TEMPORARY RE-  
LIEF FOR SCOTLAND, AND SUPPORT  
IN PARLIAMENT THE PERMANENT AR-  
RANGEMENT OF A TAX BY THE STILL  
FOR BRITAIN.

The advantages of a tax by the still to the distiller, the landed interest, and the revenue, are as follows :

#### ADVANTAGES TO THE DISTILLER.

Advantage 1st. The distiller would be relieved from the discretionary power of the officer. There are assuredly not two more honourable boards in Europe than those of excise

excise in England and Scotland, and yet they have sometimes executed the same law in different ways in the same kingdom.--The act of the fourth of Queen Anne was the first statute which gave an opportunity for the officer to make the trader account by a presumptive charge ; that is to say, upon a calculation and supposition that a certain quantity of grain will produce a certain quantity of spirits ; but it gave a discretionary power to the officer to check that mode of accounting by the real produce. In consequence of this discretionary power the check was not made use of (until the last distillery act in the year 1784), against the London distillers asking permits of sale, but was made use of against the Scots ones asking them. With the progress of arts, and ingenuity in the distillery business, a greater quantity of spirits came in time to be drawn from the same quantity of grain than had formerly been done. The London distiller was permitted to get the bene-

fit of the increase in accounting for the duties, but the Scots distiller was not ; so that in effect the first was rewarded for his ingenuity with a bounty, and the last punished with a tax.—Again, the way of executing the distillery laws is thus described by the preses of the Scots committee, in his printed circular letter to the Scots representatives in the house of Lords and Commons : ‘ The distiller has his house possessed ‘ night and day by excise officers of different ‘ denominations, and he is frequently sur- ‘veyed seventeen times in the twenty-four ‘ hours, by a succession of officers ; which ‘ so harasses him and his servants, that, in- ‘ dependent of accumulating expence upon ‘ him, he cannot go on with his manufac- ‘ ture.’ This is no match : The officers relieve each other, and can sleep ; the distillers servants cannot, unless he puts himself to the charge of additional ones to sit up all night, whilst they go to rest. It is believed that no such severities are used in executing the distillery laws in London.—

Again,

Again, large quantities of spirits sent to London under authority of the Excise in Scotland, and their strengths ascertained with one of the hydrometers recommended and used by the Board of Excise in Scotland, have been seized in London, because they did not agree with the hydrometers used there. The present secretaries of the treasury (I relate it to their honour) were so sensible of the hardship, that they generously refused to take their common fees of office, when the orders for restitution passed through their hands. The letter from the preses of the Scots committee to the Scots representatives in parliament, which I have mentioned above, contains these words : ‘ The distiller is the only dealer in spirits, either domestic or foreign, who is obliged by statute to reduce his spirits by water to a particular fixed strength, which is tried by the hydrometer; and the smallest variation betwixt the instruments constructed in Scotland and the instruments constructed in

' in England, have, in fact, been the cause  
 ' of large quantities of Scots spirits being  
 ' seized in the Thames, upon a variation of  
 ' something under two *per cent.* and spirits  
 ' to the value of many thousand pounds  
 ' were detained for months, whereby the  
 ' trader suffered a very considerable loss.  
 ' 1<sup>st</sup>, In being disappointed of his market.  
 ' 2<sup>dly</sup>, In the out-lay of a very great part  
 ' of his stock. 3<sup>dly</sup>, Being taken off his  
 ' business, obliged to go to London, and  
 ' remaining a considerable time there, soli-  
 ' citing the return of his spirits, and which  
 ' was at last obtained, only upon the condi-  
 ' tion of his satisfying the seizure maker.'

I give these examples, not with a view to complain of the Scots board, who, in checking the account of the presumptive by the real produce, only exercised the discretionary powers given to them by the act of the fourth of Queen Anne, probably had orders from the treasury for what they did, and were not obliged to inquire

inquire whether these orders were (as was said) or were not procured by the suggestion of the London distillers, to secure to themselves, by the advantage which that way of accounting gave them, the monopoly of the trade against Scotland.—I do not complain of the excessive watch over the Scots distillers, when the London ones are exposed to no such severity: On the contrary, I know that, as long as the tax is levied by the quantity and quality of the liquor, watching is not only necessary, but absolutely necessary; for as the operations of distilling, unlike to those of malting, which require ten or twelve days at least to be compleated, are compleated in a short space of time; and, as they depend on chemistry, this short space of time can be abridged, and the work accelerated by the power of fire; so, I say, I know that they require the continual vigilance of the officer.—I do not complain of the abuse of the hydrometer, which, in the above cases, I impute to mistake, and not to design; because

cause the instrument itself is an instrument of mistake.

But, what every man of common feeling must agree with me in is, that fatal must be those laws which can put it in the power of any man or set of men, to create an inequality in taxation between the different subjects of the same king; short sighted those financiers, and unpolitic those politicians, who can suppose that honesty is for ever the quality of one part of the united kingdom, and dishonesty of the other; that virtue is for ever attached to the capital, in all nations the natural seat of vice, and detached from her natural seats in the country, the common habitations of innocence.—Unprovident must be those laws which, by laying the tax on quantity and quality, require ten or twelve officers to collect at one distillery, if they collect it fairly, what a tax by the still would require only one officer to collect in twenty distilleries.—That legislators must be still more short-sighted,

ed, impolitic, and unprovident, who attempt to ascertain the quantum of the tax to be levied by an instrument, the standard of which depends merely on opinion, is sufficiently enough defined in no act of parliament to set the trader on his guard, and which philosophy itself cannot ascertain ; for the hydrometer varies with the accuracy of the artist who makes it, with the dexterity and long practice of the officer (often a very young awkward and unexperienced one) who uses it, with the climate of different latitudes, and with the weather in the same day in the same latitude. Even the degree of the warmth of the hand in holding the vessel which contains the spirit, will make a difference in the effect of the hydrometer. One of the first judges in Europe of the powers of nature and of art in chemical operations, I mean Dr Black professor of chemistry in Edinburgh, gave in evidence in the Court of Exchequer there, in a trial, the issue of which depended on the truth of the hydrometer, that, if it was corroded, it would be lighter

lighter, and make the spirits appear weaker; that, if hurt even by a dimple, it would sink and make the spirits appear stronger ; that its accuracy, unaccompanied with a thermometer, could not be trusted ; and that it was possible to put ingredients into the liquor to stop its operations altogether. A judge who reveres an act of parliament, but the laws of justice more, and who considers the object of the crown in bringing trials to be justice and not victory, instructed the jury to acquit the subject, and he was obeyed.

The golden rule which Lord Bacon lays down for the exercise of the powers of a judge, will, in a degree of no small extent to the prosperity of a state, apply to the powers entrusted with revenue officers,  
 ‘ optima est lex quae minimum relinquit  
 ‘ judici, optimus judex qui minimum sibi.  
 ‘ That is the best law which leaves the least  
 ‘ to a judge, and he is the best judge who  
 ‘ leaves

'leaves the least to himself.' It is the observation of a much wiser man, (if a wiser can be), I mean Tacitus, and which was much in the mouth of the late Earl of Chatham, when the amendments upon the Habeas Corpus act were in agitation ; *miser a servitus ubi lex incerta.*

The words of Judge Blackiston, who surely was no enemy to the revenue or to good government, in his Commentaries on the laws of England, vol. i. p. 318. are, ' That 'the rigour and arbitrary proceedings of 'excise laws seem hardly compatible with 'the temper of a free nation.' I cannot go so far ; compulsion and freedom are very compatible when compulsion is necessary, but very incompatible indeed when it is not necessary. There are two ways of levying the distillery duty ; the one is easy, and of which nobody will complain ; the other (to make use of Judge Blackiston's words) rigid and arbitrary. Strange that a nation, wise and high spirited like the

English, should hesitate a moment which to prefer, when both are in their choice !

**Advantage 2d.** The quality of corn-spirits would be improved.

Of all the chemical arts, none are more susceptible of improvement than those of fermentation and distillation. The last of these arts was not even known to the ancients, and they are still but in their infancy. At present a distiller pays duty by the wash, to wit, 5 d. on the gallon. In order to lessen that duty, he makes the wash as fast, and consequently as strong as he can, the certain consequence of which is, that he is injured, both in quantity and quality. If he was left at liberty to make the wash as weak as he pleased, which would be the consequence of a tax by the still, he would gain two gallons more of spirits on a quarter of grain. The quality would be amended in a still greater proportion; for spirits are softer or harsher to the taste, just in proportion as the

the wash is strong or weak. In these losses, the nation loses, just in the same proportion that he does, by waste, and loss of character to a great national commodity. When the distiller draws 14 gallons of wash instead of 16, from a quarter of grain, the nation loses precisely one-eighth part of what ought to be the produce, of the British distillery, and one-eighth part of the grain that is consumed in it. Again, his time and ingenuity are employed in contrivances, to avoid paying the full duties, and not to excel his neighbour in his business. But let him work as he pleases, fast or slow, strong or weak, and, like other men whose minds and whose fortunes are at ease, he will improve and excel. Let the law protect, not hurt the British artizans, and they will beat all Europe in the contrivances of art. In Spain, Portugal, and the other southern countries of Europe, there is scarcely a man knowing in mechanics or chemistry to be found. The northern kingdoms are almost as ignorant.

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The possession of the useful arts is confined to Holland, Germany, France, and the British dominions. The Dutch know the arts of distillation well, and gain by them; but they have neither grain nor feuel at home. The ingenuity of Germany is, with some exceptions, more in practice than in theory; and in France, with some exceptions, more in theory than in practice. Ingenuity in the last of these countries is employed more in writing books than in any thing else, the rules of which whosoever follows would be ruined, and is, for the most part, confined to the walls of academies. But there is more *practical ingenuity* in Britain alone than in all the rest of the universe put together. Such a man as Mr Wedgewood usurps in a manner the province of a higher order of beings; he may be said in manufacture to be a Creator. In such a country, the progress of ingenuity can be retarded by the laws only. The Dutch draw spirits not only of a better quality, but in a greater quantity,

quantity, to the extent of four or five gallons, from a quarter of our own grain, than we do; ("Vide the Reasons annexed to the Report "of the Scots Committee.") Why? because, as that Report well observes, the Dutch distiller is under no locks and seals of the officer, nor the infinity of other fetters of the British excise. The distillers can work when they please, and how they please. The hydrometer is unknown in that country.

Advantage 3d. The smuggling of foreign spirits will be prevented.

There is one, and but one way to prevent the smuggling of foreign spirits, which is to make our own spirits cheaper than foreign ones. At present, the distiller pays five taxes. One to the King; a second to his servants, to bribe them not to inform the officer; a third to the officer not to inform his superiors; a fourth in the loss of time to himself, his servants, and work, in  
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performing some parts of his work, not when he pleases, but when the officer pleases ; and a fifth, in the expence, loss of time, and vexation which falls upon him when disputes happen between him and the excise, which are considerable, even when he is successful, but are often attended with his ruin, if judgment goes against him. The extent of fines and forfeitures, with the expences accompanying them, are, I am afraid, far more considerable than the nation has any idea of. A great share of them goes to the officer ; in Scotland a small share to the King, but of which he gets nothing ; and all of them are real taxes on some body or other. Now, if the amount of the last four of these five taxes were thrown into one bag, I imagine they would far outweigh the fifth in another bag. But collect the tax by the still, and the manufacture will pay only one tax instead of five.

One of the most laudable pursuits of the Scots Committee, was to endeavour to find out the exact point of taxation, at which the King might be secured of a large revenue, and yet the manufacturer be enabled to undersell the smuggler of foreign spirits. The result of the inquiry came out as follows: Foreign Gin is selling at present in the northern parts of Scotland at the unconceivably low price of 2 s. 6 d. per gallon, (a price not much greater than the duties on our own spirits), and Brandies not much higher, which is near fifty *per cent.* cheaper than British spirits can be sold for; and the sea coasts, and even the interior parts of the country, are inundated with them. The reason is obvious. A smuggler, in calculating his profit and loss, takes into the account the risk of seizure by sea, and the risk of seizure by land, to avoid the danger of which, he pays largely to shipmasters, helpers of all kinds, and carriers. But the late act of parliament which ordered smuggled spirits

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to be staved, saved the smuggler all this trouble and expence, because the officer was not animated to seize when he was to get nothing, or almost nothing, by it. In short, the discouragement of the officer to do his duty, when he was to get no share of the seizure, was an encouragement to the smuggler. It was a bounty to France and Holland against Britain. I know very well that there were evils in giving the officer a share of the seizure, which called for remedies. But these remedies might have been found out, without wasting and destroying a valuable commodity, to the astonishment of the common understandings of by-standers, and creating a torpor and lethargy in officers, instead of activity and vigilance. But, as that regulation will probably be repealed, we inquired into the common price of smuggled spirits before that act was made, and found that the price of gin had been about 5 s. and of Brandy about 6 s. 6 d. per gallon. Now, in order to bring the price of British spirits

spirits lower than that price, we calculated the tax on a still at 30 s. per gallon, to be ninepence on the gallon of spirits, and adding that to one shilling and ninepence, which is the present selling price for exportation at the port of London, it comes out that the selling price might be 2 s. 6 d. the gallon; a difference between the price of foreign and home spirits which could not fail to drive foreign spirits off the British coasts, instead of their being staved there, for which foreigners are much obliged to us, and laugh at us when they hear of it, because they know that an old quantity destroyed, will require a new quantity to supply its place.

I do not say that thirty shillings a gallon on the still would have laid ninepence a gallon on the liquor. If there be an error in the calculation in that respect, the committee were led into it by calculations which the London distillers were said to have made up for the Scots ones, in the course

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of a late treaty between them. But it is of little consequence; because the tax on the still can be considerably heightened, and yet the point hit, at which a great revenue can be insured to the King, and a certainty of underselling the smuggler of foreign spirits be insured to the home manufacturer. I thought, and always said in public and in private, although, unfortunately, I was not listened to, that the tax offered of thirty shillings a gallon was too little; that the manufacture could bear twenty, or even thirty shillings more, and yet rise triumphant over the manufacture of Holland and France; that it was imprudent in the Scots to be haggling upon terms with the minister, if it was true, as was said (of which I know nothing), that he was surrounded with London distillers, and the connections of London distillers; that, on the contrary, by generosity on their side, they should shame him into generosity on his side. But when, in this address, I now apply myself to the landed interest of England,

I say, that they should meet their minister like men, and, in justice to him and to themselves, should put it in his power to go to parliament, and say with honour to him and his station, that although he had consented to alter the system of collecting the distillery duties, he had altered it for the emolument of the revenue, and to raise the rent-rolls of the country gentlemen of England.

Advantage 4th. Britain, instead of importing foreign spirits from abroad, will export her's to foreign countries, by which her shipping will be increased, as well as her manufacture.

The Dutch pay the English tax of 13 s. 7 d. and 16-20ths upon British coals used in their distilleries, besides the prime cost at the coal hill, carriage to the sea, freight, commission, insurance, and carriage from the sea, all which added together bring them above 1000 *per cent.* dearer than we pay

pay for them. They purchase malt from England, in which, in addition to its original value, there is added carriage to the sea, freight, commission, insurance, and carriage from the sea : Notwithstanding which two disadvantages on the two great materials employed in the manufacture of spirits, the Dutch are enabled to make spirits of our own grain, and to smuggle them with profit on our own coasts. Can any thing but improvident laws be the cause of so singular a circumstance ? But the same laws which when improvident created the evil, can when provident remove it.

On this head a flattering range of inquiry opened itself to the views of the committee. We wished to ascertain with precision, whether it was not in the power of parliament, by proper encouragements to the distillery of Britain, to insure the exclusive markets of Europe in the North, and of Africa in the South, to the British distiller. Our ambition was stopped. Time failed

failed us. Our tenants were at our doors imploring for protection against the monopoly of the London distillers, and declaring their inability to pay their rents since the Scots distilleries had stopped. In such a situation we could not do what we wished to do before we made our report, that is, to have got the prices of spirits upon an average of years in different parts of the world, and to have been informed of the regulations concerning them in the different countries in which they were made, in order to know if the spirits of other countries might not combat ours in point of price, by regulation against regulation. But I believe there was not one of the committee who was not satisfied in his own mind, that it was in the power of Britons, aided by parliament, to drive Dutch gin out of Germany, and French brandy out of the Baltic.

### OBSERVATION COMMON TO THESE TWO LAST ADVANTAGES.

There are persons in this country, and I doubt not in England too, mighty wise in their own eyes, but mean in mine, who think and dare to say, that investigations to prove the probability of British spirits being afforded cheaper in Britain and elsewhere, than French ones, are uncovering tender ground, at a time when a commercial treaty is in dependence with France, one of whose chief views in listening to that treaty must be, the hope of finding a vent for her spirits in Britain. This is a compliment which will not be thought a very courtly one by the person to whom it is meant to be paid. For it supposes, that he means to sacrifice the distilleries of Britain to the brandies of France, and to raise the manufactures of another country on the ruins of his own, lest his doing otherwise should provoke a nation, whose pride it was the glory of his father to pull down.

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## ADVANTAGES TO THE FARMER.

The profit of the farmer, and the rent-roll of the landlord will be raised.

The advantages of a distillery on a farm are the following : It fattens many oxen and swine, by which the price of butcher-meat is kept moderate, for the benefit of the labourer, and the cheapness of labour.—It supplies food for the horses and cows, (and, to my own experience, even to the sheep) of the farm, by which it lessens the expence of draught in the first, and of butter, milk, and cheese, in the second case.—It raises a quantity of manure for the land.—The crop which it chiefly requires is barley, and the cleaning the land necessary to prepare it for barley, makes it produce for the crop of that year, and two crops after it, more than it would have produced in the common way of culture in half a dozen.—It presents a market to the farmer which

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he had not before.—That market is regular, because it keeps pace with the progress of the distillery ; hence his grain will be kept constantly at an equal rate in its price, instead of starting sometimes too high, and falling sometimes too low, as it does now ; variations which disturb the farmer in his projects and exertions, because they sometimes tempt him to overstock the market, and at other times frighten him from even supplying it :--The farmer finds that market at his hand, instead of being obliged to carry his grain to a market at a distance at home, or to export it to other countries, to enable them, by the aid of a bounty, to eat bread cheaper than he does :—And yet that foreign market will still be preserved to him, only with this difference in favour of his country, that it will be exported in a manufactured, not a raw state.

Suppose the stills of London made up 100,000 gallons, and that every 400 gallons would manure 40 acres of wheat, and  
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that the produce was L. 10 extraordinary an acre ; then the dung thrown into the common shores, or into the Thames, is an annual loss of L. 100,000 to the nation. But as the distilleries of London make up much more than 100,000 gallons, the loss is much greater : And if all the distilleries of Britain were to center in London, which they assuredly will do, if the present mode of collection be not altered, then the loss to the nation, in the food of the people, would be annually L. 345,000.

If it shall be the effect of taxing spirits by the size of the still, to stop the smuggling of foreign spirits, it will do so immediately, if it does so at all. In that case, there will be an immediate annual market opened for more than L. 400,000 worth of British grain. The Scots committee, in the course of their inquiries, had reason to believe, that considerably above five millions of foreign spirits were annually smuggled into Great Britain. Now, suppose the sel-

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ling price of English grain to be L. 1, 4 sh. per quarter, and the quarter to give only 15 gallons of spirits ; then to supply the place of the smuggled spirits there would be required 333,333 quarters of grain to be manufactured into British spirits, and consequently a new demand for British grain to the extent of L. 400,000 a year.

#### ADVANTAGE TO THE REVENUE.

Advantage 1st. The expence of collecting the revenue of distillery will be diminished. In the country in which I now write, there are sometimes a number of officers employed, night and day, in guarding one distillery : But if the tax by the still took place, one officer might survey twenty distilleries in one day ; because he would have nothing to do in making his rounds, but

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to stoop his head, and look at the stamp on the still.

Advantage 2d. Frauds against the officer would be rendered almost impossible ; because, if the measure of the still be once taken, it cannot be altered without the officers perceiving it.

Advantage 3d. The revenue will be increased.

This is a certain consequence from the extension and prosperity of manufacture, agriculture, commerce, and shipping. But I confine my view to the increased revenue to arise from the distillery alone.

The most cautious way of proceeding to find out what a tax will yield for the future, is to inquire what it should produce now, if no frauds were made use of to escape from it.

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The present frauds against the tax on spirits, arise either from the smuggling of foreign, or from eluding the duties of the home made spirits. The smuggled foreign spirits being considerably above five million of gallons, the duties lost on them, at 2 s. 1 d. per gallon, are above L. 500,000 a year.

It is more difficult to know the amount of what is lost by the other species of abuse, yet not impossible. The only information hitherto laid before the public, to enable it to form a judgment on this head, are the reports of the committee of the House of Commons two years ago upon smuggling. That committee, in their first report to the house of 24th December 1783, say, that they had reason to believe, that the quantity of spirits annually sent from Scotland into England alone, exceeded the whole quantity which paid duty <sup>in Scotland</sup> ~~there~~; from which a conclusion might at first sight be drawn, that what was consumed in Scotland had paid no duty at all; and that from one place

place in England (meaning Bristol) there were removed to London in one year above three times the quantity of British spirits more than paid British duties. What the amount of the frauds in the London distilleries were is not known ; because the distilleries of that city were not put to the same test by the committee of the house with those of Scotland and Bristol, by a comparison of the stock made with the stock sent out by permit. And as long as the laws stand as they do, and are executed as they are ; and as long as committees shall confine their investigation of frauds to Scotland and Bristol, but pass over the secrets of the grand seat of the British distillery at London, where it was not impossible to suppose frauds might have been committed as well as elsewhere, that amount will probably never be known. But the conclusion which might have been drawn from the above report of the committee of the house of the 24th December 1783, was, in so far as related to Scotland, disproved by a subsequent

sequent report, which showed that the committee had not taken into their consideration some circumstances relating to the mode of collecting the Scots duties, which had not been explained to them, but which have been since fully explained, to the satisfaction of every unprejudiced person, by Mr Ross, in his late able pamphlet, entitled, "The present state of the Distillery of Scotland."—But I do not pretend either to asperse or to vindicate the honour of either country : I do, in my conscience, believe, that London, Scotland, Bristol, all defrauded the revenue alike ; and they will for ever continue to do so, until a mode of collection, that opens a door to an infinity of frauds, shall be abolished.

This report, therefore, cannot lead us to the knowledge of what we want. But there is another way of getting at it : The Boards, the Treasury, and Parliament, in laying a duty lately on stills in the Highlands of Scotland, calculated (as may be seen

seen in the statute), that a 40 gallon still would yield 1660 gallons of pure spirits, from 250 bolls of barley, or 1500 bushels of malt, of the grain of the Highland counties. Now, if a still of 40 gallons produces from Highland grain 1660 gallons of pure spirits, the whole distillery of Britain, amounting to 345,000 gallons of stills (exclusive of Fairntosh stills), should have produced fourteen millions three hundred and seventeen thousand five hundred gallons of spirits, and brought a revenue at the duty of 2 sh. 1 d. per gallon, of one million four hundred and ninety-one thousand four hundred and six pounds, or near to a million and a half. The calculation in the Highlands goes upon a supposition, and I believe a very just one, that a Scots boll of Highland grain will yield six gallons 16-25ths of spirits, and consequently that an English quarter, which is one-fourth more than a Scots boll, will yield somewhat more than eight gallons. But grain of England, and of the low country of Scotland, produces, upon

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an average of both countries, about 16 gallons of spirits from a quarter of grain ; that is to say, about double of what Highland grain produces ; and therefore the supposed produce of the 345,000 gallons of stills, to wit, 14,317,500 gallons of spirits, should be doubled ; and then the revenue should have been near three millions ; that is to say, above seven times more than it has produced upon an average of years since the high duties were laid on. Upon these principles, the remaining six-sevenths, or about two million six hundred thousand pounds, is the sum of which government has been defrauded, and for ever will be defrauded, though all the chemists, distillers, and revenue officers of Europe should lay their heads together to contrive checks to protect it, as long as the tax shall be collected by the quantity and quality of the liquor. The sum may appear enormous : But the business of the British distillery is far greater than ministers and trea-

treasury-boards have hitherto been permitted to know.

It may be objected to the above calculation, that the produce of the 345,000 gallons of stills is over-rated, because there is no allowance given for those which were not always employed. Answer 1st. The Boards, the Treasury, and the Parliament, did not, in their calculations upon the Highland stills, make that allowance more than I do. Answer 2d. If I have over-rated the produce of a still in a small degree, I have under-rated the produce in another respect in a great degree. For it is notorious to all, and will be denied by none, that a 40 gallon still will produce far more from Highland grain than 1660 gallons in a year. That act of parliament was made to show indulgence to a part of the island, which from the coldness of the climate, cannot subsist without the use of spirits. The act itself supposes that the still will produce more than the number of gallons allowed by the act;

for it makes provision for the officers charging the overplus ; and accordingly many Highland stills are at this hour charged with that overplus, having exhausted the credit which the act allows them. I have seen an opinion, said to have been written by a very honourable and able gentleman in the employment of the Excise here, I mean Mr Bonar, that a still will produce much more than I have brought out by chusing an act of parliament for my standard of calculation. And indeed from my own observation on distilleries on my estate, I know that the calculation, if tried by the standard of experience, would be found to have stated the produce of a still too low ; the consequence is, that the frauds against the revenue must have been proportionally greater.

The apparent extravagance of the sums which the foregoing calculations will prove government to have lost by the present system of the distillery laws, will be attempted

ed to be checked by comparing them with the produce of the malt-duties and brewery duties : And it will be asked how should the tax upon the distillery have produced so much, when the malt-tax and the brewery-tax produce so much less ? This is to check the accounts of one defaulter by those of another. The malt and brewery duties are defrauded to a great extent, and for reasons, some of which are similar to those which have been attended with similar effects in the distillery. But that extent will never be known, until brewers are taxed by the capacity of their vessels, a thing not impossible to be accomplished, and the maltsters are taxed in some such way, a thing not impossible neither. But, in the mean time, let an account be stated, in which, on one side, the number of inhabitants in Britain, with the number of bottles of malt-liquor which each may be supposed to drink in a year, and the quantum of duty which should have arisen from thence, may be placed ; and on the other

other side, the quantum of duty that really has arisen. The balance will show that the proposed check needs a check. The nation is blind to the immensity of its own resources, from the tax on malt, beer, and spirits, if they were truly brought to the Treasury, by a mode of collection almost incapable of being defrauded.—In most European nations there are taxes upon butchers meat ; and from thence the quantity of butchers meat eat in other countries might be known. But, if that amount was known, and compared with what is consumed in England, the superior quantity eat in this last country over any other in Europe of the same number of people, would appear incredible. Why ? because England has not only more wealth, but that wealth is more equally divided, and runs more through all ranks, than in any country in the world. The same wealth, and equality of its division, added to the right of every man to do what he pleases, which makes him think that the enjoyment of freedom consists in the indulgence

dulgence of vice, are the causes why there are more malt liquors and more spirituous liquors drunk in England, than in one half of Europe. The porters of London drink more porter in six months, than all the gentlemen of Paris do of the finest wines in the universe in a year.

The above mode of discovering the extent of the distillery frauds, if it be a just one, lays the saddle on the right horse ; for, even supposing that the whole consumption of Scotland paid no duties, as was erroneously supposed in the report of the committee to the House of Commons, and that the Bristol people sent to London three times more than they pay duties for ; yet still there would remain a monstrous balance in which government has been injured, and which balance can lie no where but at the door of the London distillers, although they are ready to cry, ‘ stop ‘ thief,’ against the whole of one of his Majesty’s kingdoms.

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If the London distillers think, that I have done them injustice in supposing that they have had any share in this abstraction from the public revenue, they may easily justify themselves, they have only to move the House of Commons, that an account from the Board of Excise be laid before the house for some years prior to November 1784, not less than three, of their stocks that paid duties, and of their stocks permitted out by the rectifiers. If the *quantum* of the stocks that paid duties, and of the stocks sent out by permit, balance each other, the London distillers are free of imputation. If they do not balance each other, the imputation is just. At the same time, although the difference in the balance will ascertain a great deal, yet it will not ascertain the whole extent of the abstraction; because the quantities consumed in raw spirits, by druggists, chemists, and others, and the quantities for which the rectifiers have not taken permits, for the consumption of London, which must be very great, will not appear in the account against

gainst the distillers. But if the distillers shall avoid to move for any such account to be laid before the house ; then it will become the duty of any *friend to the revenue of England*, or of any *friend to the landed interest of England*, to throw down the gauntlet in the *common cause of both*, and to move for that account.

But, whether the fault be laid at the door of Scotland, London, or Bristol, in times past, it is plain that it may be prevented for the future by adopting a mode of collection that is subject to no abuse.

The true sinking fund to pay the national debt lies not in borrowing with the one hand, to pay with the other ; but in making effectual the taxes that are, not in looking about for those that are not in existence. Supposing the smuggling of foreign spirits was prevented to a considerable degree, though not entirely ; and that only 55,000 gallons in new British stills were employed to supply in British spirits, the defi-

deficiency, which would make the whole stills in Great Britain to amount to 400,000; and that a tax of L. 3 per gallon was paid for the licence; then the tax going into the Treasury would amount to L. 1,200,000 a year; and twice that sum would be saved to the subjects, who at present pay to others what parliament intended they should pay to the King. To this should be added L. 3 a gallon upon the 10,000 gallons of Ferintosh stills, which formerly payed nothing, and the whole revenue to government would be L. 1,230,000 which is about three times as much as it has produced upon an average of years since the high duties were laid on.

### O B J E C T I O N S.

Objection 1st. The distillers, by working night and day, in order to get the greater benefit of the license, will make such a quan-

quantity of spirits in the first year as will supply the demand of the next, and thus pay no tax the second year.

Answer. This is so far from being the case, that they will hardly be able the first year to supply the new demand created, by beating the smuggling of foreign spirits out of the field. These, as has been said, amount to considerably more than five millions of gallons, and will require at least 333,000 quarters of grain, at (supposing only) fifteen gallons to the quarter, to make them. Now, where is this barley to be found? Not surely in Britain; for there is not so much annually exported from Britain. But, if the distiller can hardly find grain to supply the demand of one year, and one-fifth or sixth part over; where is he to find grain for the consumption of two years, and two fifths or sixths over? There is not as much grain on all the sea-coasts of Europe, within the reach of Britain, as would enable him to do so.—But supposing the distillers

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were to aim at laying up a supply of spirits, if not to the extent of the consumption of the whole of the second year, yet to the extent of the consumption of a part of it, they must go abroad for the grain ; and then they would find in the advanced price asked by foreigners upon a new demand, in the vast out-lay of money required to buy grain, and to work it up, in the loss of interest of that money, in waste, in cellorage, and in the uncertainty of the market, from the danger of other speculators playing the fool as well as themselves ; I say, in all these things, they would soon find a cure for their speculations.

Besides, the revenue always finds resources against the advantages taken of itself. The distiller might by law be disabled from carrying on his works, or conveying them to another person, for two or three years, if he did not renew his annual licence ; and then he would be a fool indeed, if, for a moment,

momentary gain, he should submit to a lasting loss.

Objection 2d. The cheapness of spirits would hurt the health and morals of the people.

Answer. Ought we to keep the price of provisions high, lest the people of England become gluttons? Shall we never lessen the duty on porter, lest the porters of London get drunk with it? Should we discourage the breed of spirit in horses, lest they break the necks of their masters?—Do French brandy, or Dutch gin, hurt the health and the morals of the people of England, less than British corn-spirits? Does not the cheapness of a pleasure generally make men indifferent about it? When an English regiment goes to Gibraltar or the West Indies, the men are for the first month or two, continually fuddled with wine or rum, on account of the novelty of their cheapness: But, when the charm of novelty goes off,

off, they become sober again. The brandy and wine countries are the soberest in Europe. A Dutchman, who can drink gin very cheap, prefers to it a beverage made of fermented oats. An American, who has a still at his elbow, seldom tastes its contents, but to know how much it will bring in a market.

Objection 3d. It will be difficult to know the power of a still, and consequently to know the tax proportioned to that power, which should be laid on the gallon of the still.

Answer. He who makes this objection, whoever he be, if it be to one in power, means to deceive and hoodwink the man whom he pretends to befriend. There was no difficulty found in discovering the power of a still, when the tax was laid on the Highland stills. A few experienced distillers, or even a few of their clerks, could do

do the same thing again, upon a larger and less local scale.

Those who have small stills will indeed say, that they should pay less than the great ones; and those who have great stills will say, that they should pay less than the small ones. Their common enemies will foment, and try to make advantage of the division. But, upon investigation among chemists and distillers, and above all among men of plain sense and observation, it will be found, that they should pay all equally in proportion to the size of their stills.

Objection 4th. The revenue will be exposed to unusual fraud if small stills are authorised : They will be changed for greater ; small stills by law will open a door to small stills against law, and the wash will be privately conveyed from the one to the other.

Anfwer.

**A**nswer. These imaginary dangers are said to have been suggested at the Treasury, probably by the London distillers, to get a monopoly of the trade to themselves against Scotland, and perhaps by the great Scots distillers, to get a monopoly of the trade against their poorer brethren. Stills are composed of two parts, the caldron and the worm ; the caldron is of copper, the worm is of lead. These are not made in unseen places, but in towns, in the shops of coppersmiths, and manufacturers of lead, different, and often distant from each other. These cannot be concealed ; the very sound of the hammer is an informer against the copper-smith. Both the maker of the caldron, and of the worm, might be obliged to take out licenses, be put under the survey of the officer, and obliged to account for all the stills that they make. Every caldron and worm should have the maker's name stamped on it ; the time it was sent off; the person it was sent to : It should not be removable from the distillery but in sight

sight of the officer, nor transferred to another without a new stamp similar to the former. The still might be built up almost to the lip, with stone and lime, or brick and lime, and girt with bars of iron, on which locks might be fastened ; and stamps, seals, and letters, in the officer's hand-writing, affixed to both. With these precautions, it would not be possible to deceive the officer.

It is not true, that allowing small stills by law will open a door to unentered stills against law, more than at present. The door is already open, and many small unentered stills are now used ; because no stamps are required. But if stamps were required upon all stills, and the copper-smith and worm-maker put under surveys, the door would be shut even against those which at present are illegally made use of. The chief dangers of the abuse of small stills, by having wash conveyed secretly to them, and even making spirits, arises chiefly

chiefly in towns. But, with a view to prevent this danger, the fifth article of the Scots resolutions, above recited and explained, was intended to banish small stills from towns, by providing that no person should be allowed to have a still under 100 gallons, who did not possess a farm of 30 acres at least.

Even without all these precautions, many hundred small stills are used in many countries in Europe; and yet the excise upon them is collected. Many such were used in England, from the 8th and 9th years of the reign of King William, when twenty gallon stills were first charged with duties, until the 2d year of George II. when stills under 100 gallons were prohibited; and yet the duties were collected then as well as now, if not better. The justice of the different opinions on this head have stood the test of experience. Stills of 30 gallons were last year, by act of parliament, allowed in the Highlands of Scotland, guarded

guarded by some, not all, of the precautions I have mentioned. Have the entered stills been convicted of fraud to any extent since that time? Are the unentered stills increased in number since that time? There is no evidence of either; at least I am sure no legal evidence—otherwise I must have heard of it.

It is not proper for a person in my situation to be paying compliments to ministers, either in public or private. Whether what follows may pass for compliment or offence, I know not. When the Lord Advocate of Scotland went last week to London to do his duty in parliament, I said to him, that I was afraid our distillery plan would not meet with fair play where he was going. These fears were founded on the great influence of the London distillers in parliament, and on the intimate connections which some of their intimate friends are said to have with the minister. His Lordship's answer was that I was mis-

taken ; the measure would meet with perfectly fair play ; that Mr Pitt was at infinite pains to understand the subject, that his mind was still open to information and reason upon it, and that he would be influenced by no side, but act the part of an honest man. I should not have repeated the conversation, if I had not given credit to the answer which I got. But, if contrary to my expectation, this GREAT NATIONAL BRITISH MEASURE shall not meet with fair play, IN A BRITISH SENATE ; then I shall, till my dying hour, consider it as a very humiliating circumstance, (to use the words of Mr Ross's pamphlet, mentioned above,) 'That a whole kingdom should have been thrown into distress, not by a powerful invader at the head of fifty thousand men—not by a plague or a famine—not by a tyrannical Prince, (for we never had one more gracious), or a corrupt administration, but by six houses of London Distillers.'

F I N I S.

